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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/767,699

01/29/2004

Thomas J. Daley

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EXAMINER

SHRESTHA, BIJENDRA K

ART UNIT	PAPER NUMBER
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3691

NOTIFICATION DATE	DELIVERY MODE
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10/26/2007

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ptomail1@bakerbotts.com
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Office Action Summary

Application No.

10/767,699

Applicant(s)

DALEY ET AL.

Examiner

Bijendra K. Shrestha

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date See Continuation Sheet.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :01/19/2204, 11/18/ 2005, 03/03/2006, 12/28/2006, 01/11/2007, 02/16/2007, 04/09/2007, 05/17/2007 .

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claim 1-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Korhammer et al., U.S. Pub No. 2004/0236662 (reference B in attached IDS submitted on 11/18/2005).

3. As per claim 1 and 10, Korhammer et al. teach controlling the disclosure of a trading order (see Fig. 1 and Fig. 3; paragraph [0048] and [0049]), comprising:

a memory operable to store disclosure policies associated with market centers; and a processor coupled to the memory (see Fig. 1; paragraph [0039]) and operable to: receive a trading order for a trading product, the trading order specifying a total quantity of the trading product and a maximum disclosure quantity of the trading product, wherein the trading order is associated with a particular market center (see Fig.

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2; DELL (1080), Total Quantity (1010), Maximum disclosure Quantity or Show (1040) and Market Center or Route (1020)); paragraph [0052]); and

route the trading order to the particular market center according to the disclosure policy associated with the particular market center (see Fig. 1 and Fig. 3; paragraph [0053]).

4. As per claim 2 and 11, Korhammer et al. teach the disclosure policy of the particular market center is a proprietary reserve policy (see paragraph [0034]); and

the trading order routed to the particular market center specifies the total quantity of the trading product and the maximum disclosure quantity of the trading product (see Fig. 2; Total Quantity (1010), Maximum Disclosure Quantity or Show (1040) and Market Center or Route (1020)).

5. As per claim 3 and 12, Korhammer et al teach

the disclosure policy of the particular market center indicates that an IOC order will be disclosed to a market participant (see Fig. 2; paragraph [0055]; where Time in Force (TIF) is selected as Immediate or Cancel); and

the trading order routed to the particular market center comprises a day trading order and specifies the maximum disclosure quantity of the trading product but not the total quantity of the trading product (see Fig. 2, where TIF could be selected as DAY (as shown in Fig. 13), Total Quantity (1010), Maximum Disclosure Quantity or Show (1040) and Market Center or Route (1020); paragraph [0052])

6. As per claim 4, 13, 20 and 21, Korhammer et al teach

the IOC order comprises a trading order that the particular market center attempts to fill immediately and cancels any portion of the trading order that cannot be filled immediately (see Fig. 2; when TIF selected is Immediate or Cancel; paragraph [0055] and [0063]); and

the day trading order comprises a trading order that remains on an order book of the market center for the lesser of the remainder of a current trading day, until it is canceled, or until it is filled (see Fig. 2; Fig. 8(b); paragraph [0055], Sweep Order).

7. As per claim 5, 14, 22 and 23, Korhammer et al. teach the day trading order comprises a first day trading order (see Fig. 2);

the processor receives an acknowledgment message indicating that the first day trading order is filled for the maximum disclosure quantity of the trading product such that a remaining quantity balance for the trading order is established (see Fig. 6 and Fig. 11, where processor or exchange receives execution messages from users or traders);

the processor generates a second day trading order for communication to the particular market center in response to receiving the acknowledgment message, the second day trading order specifying the lesser of the maximum disclosure quantity of the trading product and the remaining quantity balance for the trading order (see Fig. 2; paragraph [0059]).

8. As per claim 6 and 15, Korhammer et al. teach that the disclosure policy of the particular market center indicates that an IOC order will not be disclosed to a market participant (see paragraph [0055] where IOC order will be only display disclosed quantity to the market participants); and

the trading order routed to the particular market center comprises an IOC trading order and specifies the total quantity of the trading product (see Fig. 2; Total Quantity (1010), Maximum Disclosure Quantity or Show (1040) and TIF as Immediate or Cancel; paragraph [0055], last sentence)

9. As per claim 7 and 16, Korhammer et al. teach the IOC order comprises a trading order that the particular market center attempts to fill immediately and cancels any portion of the trading order that cannot be filled immediately (see Fig.2, TIF= Immediate or Cancel; paragraph [0055]).

10. As per claim 8 and 17, Korhammer et al. teach the processor receives an acknowledgment message indicating that the IOC trading order is filled for a portion of the total quantity of the trading product such that any portion of the total quantity of the trading product that remains unfilled comprises a remaining quantity balance (see Fig. 6 and Fig. 11; where processor or exchange receives execution messages from users or traders and Examiner interprets the message contains detail of IOC transaction; paragraph [0055]);

the processor generates a day trading order for communication to the particular market center in response to receiving the acknowledgment message, the day trading order specifying the lesser of the maximum disclosure quantity of the trading product and the remaining quantity balance for the trading order (see Fig. 2; paragraph [0059]).

11. As per claim 9, 18 and 24, Korhammer et al. teach the IOC trading order comprises a first IOC trading order (see Fig. 2; Where Time in Force (TIF) = Immediate or Cancel; paragraph [0055]).

the acknowledgment message comprises a first acknowledgment message; the remaining quantity balance comprises a first remaining quantity balance; the processor receives a second acknowledgment message indicating that the day trading order is filled such that the portion of the total quantity of the trading product that remains unfilled comprises a second remaining quantity balance; (see Fig. 6 and Fig. 11) and

the processor generates a second IOC trading order for communication to the particular market center in response to receiving the second acknowledgment message, the second IOC trading order specifying the second remaining quantity balance (see Fig. 2; paragraph [0059]).

12. As per claim 19, A system for controlling the disclosure of a trading order, comprising:

a memory operable to store disclosure policies associated with market centers, wherein the disclosure policy associated with a particular market center (see Fig. 1; paragraph [0039]) comprises one of:

a proprietary reserve policy (see paragraph [0034]) ;
an IOC disclosure policy that indicates that an IOC order will be disclosed to a market participant and an IOC non-disclosure policy that indicates that an IOC order will not be disclosed to a market participant (see Fig. 2; paragraph [0055]; where Time in Force (TIF) is selected as Immediate or Cancel); and

a processor coupled to the memory and operable to (see Fig. 1; paragraph [0039]) :

receive a trading order for a trading product, the trading order specifying a total quantity of the trading product and a maximum disclosure quantity of the trading product, wherein the trading order is associated with the particular market center (see Fig. 2; DELL (1080), Total Quantity (1010), Maximum disclosure Quantity or Show (1040) and Market Center or Route (1020)); paragraph [0052]) ; and

route the trading order to the particular market center according to the disclosure policy associated with the particular market center (see Fig. 1 and Fig. 3; paragraph [0053]) , such that:

the trading order routed to the particular market center specifies the total quantity of the trading product and the maximum disclosure quantity of the trading product if the disclosure policy of the particular market center comprises a proprietary reserve policy (see Fig. 2; Total Quantity (1010), Maximum Disclosure Quantity or Show (1040) and Market Center or Route (1020)) ;

the trading order routed to the particular market center comprises a day trading order and specifies the maximum disclosure quantity of the trading product but not the total quantity of the trading product if the disclosure policy of the particular market center comprises an IOC disclosure policy and the trading order routed to the particular market center comprises an IOC trading order and specifies the total quantity of the trading product if the disclosure policy of the particular market center comprises an IOC non-disclosure policy (see claim 3 and 12).

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosures. Applicant is required under 37 CFR 1.111(c) to consider references fully when responding to this action.

The following are pertinent to current invention, though not relied upon:

Abernethy (U.S. Pub No. 2003/0101128) teaches state tracking system for a basket trading system.

Bennett et al. (U.S. Patent No. 7,110,969) teach methods of and systems for electronic order routing (CORS).

Bundy et al. (U.S. Patent No. 7,242,669) teach methods and systems for multi-path routing of electronic orders for securities.

Burns et al. (U.S. Pub No. 2006/0015436) teach systems and method for facilitating trading of multiple tradable objects in an electronic trading environment.

Finebaum et al. (U.S. Pub No. 2002/0156719) teach method and apparatus for trading bonds.

Keith (U.S. Pub No. 2001/00420240) teaches routing control for orders eligible for multiple markets.

Korhammer et al. (2004/0143538) teach automated system for routing orders for financial instruments based upon undisclosed liquidity.

Korhammer et al. (U.S. Pub No. 6,278,982) teach securities trading system for consolidation of trading on multiple ECNs and electronic exchange.

Marynowski et al. (U.S. Pub No. 2007/0156574) teach automated trading system in an electronic trading exchange.

Ordish et al. (Patent No. 5,727,165) teach offer matching system having timed matched acknowledgement.

Shapiro (U.S. Pub No. 2002/0091606) teaches predictive automated routing system (PARS) for securities trading.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bijendra K. Shrestha whose telephone number is (571)270-1374. The examiner can normally be reached on 7:00AM-4:30 PM (Monday-Friday); 2nd Friday OFF.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571)272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

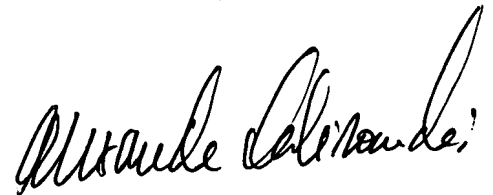
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Bijendra K. Shrestha

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A handwritten signature in black ink, appearing to read "Alexander Kalinowski", written in a cursive style.

ALEXANDER KALINOWSKI
SUPERVISORY PATENT EXAMINER